



## Office of the City Clerk

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### **Fine Assessment and Waiver Policy for Late Filings of Statements of Economic Interests (Form 700)**

#### **OVERVIEW**

The Political Reform Act (Ca. Gov. Code sections 87100-91014) requires designated government officials to disclose certain personal economic interests. This is to assure the public that these officials will not make, participate in making, or in any way attempt to use his or her position to influence a governmental decision in which he or she has a financial interest.

This policy is intended to describe the assessment and waiver of fines as governed by the Political Reform Act and regulations of the Fair Political Practices Commission (Ca. Code of Regulations, Title 2, Division 6). Should any part of this policy contradict State laws or regulations, State laws and regulations shall prevail.

The PRA provides that Statements of Economic Interests filed late are subject to fines and that the City Clerk, as the filing officer, is responsible for assessing these fines. Any person who files a statement after the deadline shall, in addition to other penalties or remedies established by the PRA, be liable in the amount of \$10 per day<sup>1</sup>, up to a maximum of \$100, until the statement or report is filed. (GC § 91013)

The Office of the City Clerk's policy on assessing fines and applying waivers is consistent with the Fair Political Practices Commission's Guidelines for Waiving Late Fines.

#### ***THERE IS NO PROVISION IN THE LAW FOR AN EXTENSION OF A FILING DEADLINE<sup>2</sup>***

To be considered on time, statements must have an original "wet" signature and be received by the filing officer on or before the filing deadline. Statements postmarked by the filing deadline are considered filed on time. Statements of 30 pages or fewer will be considered on time if faxed to the filing officer by the deadline, as long as the originally signed paper version is sent by first-class mail within 24 hours.

#### **LATE FINE ASSESSMENT RULES**

Late fines will be assessed in accordance with the following rules for all Statements of Economic Interests received past the deadline, other than a candidate's statement filed pursuant to GC §87201. A fine of \$10 per day (\$100 maximum) will be assessed from the filing deadline to the date the statement is filed.

##### **Filings received within 30 calendar days of written notice of the filing requirement<sup>3</sup>**

- Persons with no prior history of late filings who submit a statement explaining why the filing was late and assert that the late filing was not willful will be granted an automatic waiver. The request for waiver must be received within 30 days of notice of fine.
- Persons who have previously filed late may submit evidence of "good cause" and a statement that the late filing was not willful for consideration of a waiver. The request for waiver must be received within 30 days of notice of fine.

##### **Filings received more than 30 calendar days after written notice of the filing requirement<sup>2</sup>**

- GC § 91013 states that no fines may be waived for statements not filed within 30 days.

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<sup>1</sup> All references to "day," "days," "date," or "dates" in this Policy shall mean calendar days, unless otherwise required by law.

<sup>2</sup> **Active Military Duty Exception:** Filers under active military duty as defined in the Servicemember's Civil Relief Act have 30 days following his or her return to office to file an annual Form 700, provided the person or a representative notifies the filing officer in writing prior to the deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer with verification of his or her military status. (FPPC Regulation 18723)

<sup>3</sup> Pursuant to GC §81010, the specific written notice of filing requirement is provided after the filing deadline to all persons who have failed to file a statement.

## **“GOOD CAUSE” FOR A WAIVER OF LATE FILING FINES**

A request for waiver for “good cause” may be submitted in accordance with the above rules. Following review by the filing officer, the fine may or may not be reduced and/or waived.

The waiver request must be signed or submitted electronically by the person required to file the Statement of Economic Interests. Examples of “good cause” are listed below.

*Documentation that demonstrates and confirms the reason for the waiver request is required. (Please note: Description of personal details is not required.)*

### **Examples of “good cause”:**

#### **Incapacitation for Medical Reasons**

Adequate documentation consists of a doctor’s or other medical provider’s statement giving the dates of incapacitation and individual’s name. This information may also be provided for an immediate family member’s<sup>4</sup> illness.

#### **Hospitalization**

Adequate documentation consists of a copy of the hospital bill or doctor’s statement showing the patient’s name and the date(s) of the hospitalization.

#### **Accident Involvement**

If medical attention is provided and results in the late filing, documentation showing the patient’s name and date(s) and time(s) of medical attention, is adequate. If the accident involvement results in delay or vehicle disablement which causes the late filing, adequate documentation consists of a police report showing the individual’s name, the date and time of the accident, and if applicable, whether or not the vehicle was disabled.

#### **Loss or Unavailability of Records**

The loss or unavailability of records must be due to a fire, flood, theft, or similar reason. Adequate documentation shall consist of a police, fire, or insurance report, containing the date of the occurrence and the extent of the loss or damage.

#### **Other “Good Cause” as Shown**

The City Clerk may waive late fines for other similar legitimate reasons beyond the filer’s control.

### **Reasons not considered “good cause”:**

- Not receiving notice of filing requirements or deadline
- Not being available to sign forms
- Not sending filing to proper official
- Not knowing where to get forms
- Not having complete information by filing deadline
- Secretarial error

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<sup>4</sup> “Immediate family” means the spouse and dependent children, as defined in the CA Political Reform Act, § 82029, or as it may be amended in the CA Political Reform Act.